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FRESNO COMMUNITY HOSPITAL AND MEDICAL

6 CENTER d/b/a/ COMMUNITY MEDICAL CENTERS

7 *(Additional Counsel Listed on Next*
8 *Page)*

10 **UNITED STATES DISTRICT COURT**

11 **EASTERN DISTRICT OF CALIFORNIA**

12 RAGINA BELL, individually and
13 on behalf of all other
similarly situated,

14 Plaintiff,

15 v.

16 COMMUNITY MEDICAL CENTERS;
17 and DOES 1-100, Inclusive,

18 Defendants.

Case No.: 2:20-cv-02500-WBS-DS

**FURTHER STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
PLAINTIFF'S FIRST AMENDED CLASS
ACTION COMPLAINT**

Current Response Due: 06/18/2021

New Response Due: 07/09/2021

Action Filed: 10/27/2020

Removal Date: 12/17/2020

FAC Filed: 04/20/2021

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13 RAGINA BELL
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1 IT IS HEREBY STIPULATED AND AGREED, by and between RAGINA
2 BELL ("Plaintiff") and FRESNO COMMUNITY HOSPITAL AND MEDICAL
3 CENTER d/b/a/ COMMUNITY MEDICAL CENTERS ("Community Medical
4 Centers," and together with Plaintiff, the "Parties"), by and
5 through their respective attorneys, and subject to Court
6 approval, that (1) the Parties agree to provide the Court with an
7 update regarding the status of this case's potential inclusion
8 within the pending multi-district litigation against former
9 defendant Blackbaud, Inc. ("Blackbaud"), as further described
10 below, on or before June 25, 2021; and (2) Community Medical
11 Centers shall have a further extension of time to respond to
12 Plaintiff's First Amended Class Action Complaint ("FAC"), up to
13 and including July 9, 2021.

14 *Whereas*, Plaintiff's FAC alleges that on or around September
15 11, 2020, defendant Community Medical Centers notified
16 approximately 43,667 individuals regarding a data security
17 incident at a third-party vendor named Blackbaud (see First Am.
18 Compl. ¶¶ 17, 36);

19 *Whereas*, numerous cases were filed against Blackbaud in
20 federal court over the Blackbaud incident, which the Judicial
21 Panel on Multidistrict Litigation consolidated for pretrial
22 proceedings in the United States District Court for the District
23 of South Carolina on December 15, 2020, see *In re Blackbaud,*
24 *Inc., Customer Data Security Breach Litigation*, --- F. Supp. 3d -
25 ---, 2020 WL 7382276, at *1-2 (J.P.M.L. Dec. 15, 2020) (the "*In*
26 *re Blackbaud MDL*");

27 *Whereas*, plaintiffs' Liaison Counsel in the *In re Blackbaud*
28 MDL recently tagged two pending California district court cases

1 for inclusion in that multidistrict litigation, even though
2 Blackbaud was no longer a party to those cases, see **Ex. A**, Case
3 Mang't Ord. No. 9 (Summary of Case Mang't Conf. No. 4) at pg. 1
4 (discussing *Mesa et al. v. Enloe Med. Center* (E.D. Cal., No.
5 2:20-cv-2483) and *Doe v. Rady Children's Hospital-San Diego et*
6 *al.* (S.D. Cal., No. 3:21-cv-00114));

7 *Whereas*, based on statements made at the last case
8 management conference in the *In re Blackbaud* MDL, the undersigned
9 counsel believe that plaintiffs' Liaison Counsel therein intend
10 to notice this case for tag-along status in the *In re Blackbaud*
11 MDL as well, but have not done so as of this filing, *id.*;

12 *Whereas*, the actions against other third-party Blackbaud
13 customers in the *In re Blackbaud* MDL are presently stayed until
14 July 29, 2021, see **Ex. B**, Case Mang't Ord. No. 8 (Summary of Case
15 Mang't Conf. No. 8) at pg. 1, and there is currently a mediation
16 scheduled for early-October 2021, see **Ex. A** at pg. 2;

17 *Whereas*, based on the above procedural status of the *In re*
18 *Blackbaud* MDL, the undersigned counsel have conferred, and
19 jointly agree that it would be most efficient for the Parties and
20 for the Court to extend Community Medical Centers' deadline for
21 filing a motion to dismiss the FAC for an additional twenty-one
22 days (21) days, up to and including July 9, 2021, to avoid
23 potentially unnecessary motion to dismiss filings before this
24 Court;

25 *Whereas*, the Parties previously stipulated to, and the Court
26 approved, an extension of time for Community Medical Centers to
27 respond to the FAC from May 31, 2021 up to and including the
28 current deadline of June 18, 2021 (Dkt. 12);

1 Whereas, the further extension stipulated to herein will not
2 impact any dates set by the Court; and

3 Whereas, the Parties further agree to provide the Court with
4 a status update on this case's potential inclusion within the *In*
5 *re Blackbaud* MDL on or before June 25, 2021;

6 Based on the facts above and the Parties' agreement, it is
7 hereby stipulated pursuant to Eastern District of California
8 Local Rule 144, and subject to Court approval, that the Parties
9 shall provide the Court with a status update on this case's
10 potential inclusion within the *In re Blackbaud* MDL on or before
11 June 25, 2021, and Community Medical Centers may have up to and
12 including July 9, 2021 to respond to the FAC.

13 **IT IS SO STIPULATED.**

14 Dated: June 16, 2021

BAKER & HOSTETLER LLP

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16 By: /s/ Teresa C. Chow
Teresa C. Chow

17 *Attorneys for Defendant*
18 FRESNO COMMUNITY HOSPITAL AND
19 MEDICAL CENTER d/b/a/ COMMUNITY
20 MEDICAL CENTERS

21 Dated: June 16, 2021

CROSNER LEGAL, P.C.

22 /s/ Chad A. Saunders
23 By: (as authorized on June 16, 2021)
24 Zachary M. Crosner, Esq.
25 Blake R. Jones, Esq.
Chad A. Saunders, Esq.
Michael R. Crosner, Esq.

26 *Attorneys for Plaintiff*
27 RAGINA BELL
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ORDER

The Court, having read and considered the Parties' Further Stipulation to Extend Time to Respond to Plaintiff's First Amended Class Action Complaint, and for good cause appearing, **HEREBY ORDERS** that Community Medical Centers may have up to and including July 9, 2021 to respond to the FAC. The Parties shall provide the Court with a status update on this case's potential inclusion within the *In re Blackbaud* MDL on or before June 25, 2021.

IT IS SO ORDERED.

Dated: June 17, 2021



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE